

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Scott Carlton	Team: Squad #16	CCRB Case #: 201710140	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/06/2017 1:00 PM	Location of Incident: § 87(2)(b)	Precinct: 44	18 Mo. SOL 6/6/2019	EO SOL 6/6/2019	
Date/Time CV Reported Thu, 12/07/2017 3:57 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 12/07/2017 3:57 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DTS Wilfredo Benitez	5619	947459	044 PCT
2. POF Eula Harris	09247	950563	044 PCT
3. POM Corey Graves	12570	956696	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Onyx Salvador	22056	959962	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Eula Harris	Abuse: Police Officer Eula Harris stopped § 87(2)(b)	§ 87(2)(b)
B.DTS Wilfredo Benitez	Abuse: Police Officer Wilfredo Benitez stopped § 87(2)(b)	§ 87(2)(b)
C.POF Eula Harris	Abuse: Police Officer Eula Harris stopped § 87(2)(b)	§ 87(2)(b)
D.DTS Wilfredo Benitez	Abuse: Police Officer Wilfredo Benitez stopped § 87(2)(b)	§ 87(2)(b)
E.POF Eula Harris	Abuse: Police Officer Eula Harris stopped § 87(2)(b)	§ 87(2)(b)
F.DTS Wilfredo Benitez	Abuse: Police Officer Wilfredo Benitez searched § 87(2)(b)	§ 87(2)(b)
G.DTS Wilfredo Benitez	Abuse: Police Officer Wilfredo Benitez searched § 87(2)(b)	§ 87(2)(b)
H.DTS Wilfredo Benitez	Abuse: Police Officer Wilfredo Benitez stopped § 87(2)(b)	§ 87(2)(b)
I.DTS Wilfredo Benitez	Abuse: Police Officer Wilfredo Benitez searched § 87(2)(b)	§ 87(2)(b)
J.DTS Wilfredo Benitez	Abuse: Police Officer Wilfredo Benitez searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
K.POM Corey Graves	Off. Language: Police Officer Corey Graves made remarks to § 87(2)(b) based upon race.	§ 87(2)(b)
L.POM Corey Graves	Off. Language: Police Officer Corey Graves made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)	§ 87(2)(b)
M.POM Corey Graves	Abuse: Police Officer Corey Graves threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
N.DTS Wilfredo Benitez	Discourtesy: Police Officer Wilfredo Benitez spoke discourteously to § 87(2)(b)	
O.DTS Wilfredo Benitez	Off. Language: Police Officer Wilfredo Benitez made remarks to § 87(2)(b) based upon ethnicity.	

Case Summary

On December 7, 2017, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board (CCRB) by telephone, at which time he was scheduled to appear at the CCRB on December 11, 2017.

§ 87(2)(b) did not appear for his appointment on December 11, 2017. He did not provide prior notification that he would be absent or contact the CCRB to explain his absence.

The number provided as that of § 87(2)(b)'s home in his initial complaint was called on December 11, 2017 and December 20, 2017. On the first call, the phone rang numerous times without a voicemail response. On the second call, § 87(2)(b)'s father, who identified himself as § 87(2)(b) was contacted and stated that this was his business telephone line. He provided his cellphone number. § 87(2)(b) stated that § 87(2)(b) was at school and that he would ask him to call the undersigned investigator. § 87(2)(b) would not provide § 87(2)(b)'s personal cellphone number despite repeated requests by the undersigned.

On December 21, 2017, § 87(2)(b) called the CCRB from his cellphone. He stated that he missed his scheduled appointment because he "was busy." § 87(2)(b) said he would call back within the day to reschedule his appointment, but did not do so. Between January 23, 2018 and February 12, 2018, § 87(2)(b)'s cellphone was called five times. In each case, an automated message stated that the phone did not accept calls currently. Between January 23, 2018 and February 8, 2018, § 87(2)(b)'s cellphone was called four times. On the first occasion, the telephone rang without a voicemail response. On all subsequent occasions, the phone did not ring and an automated message stated the number was not in service.

Between January 29, 2018 and February 12, 2018, § 87(2)(b)'s store was called seven times. On the first and second calls, a female respondent stated that § 87(2)(b) was away. On the third call, § 87(2)(b) answered. He stated that he would ask § 87(2)(b) to call back the following morning, which § 87(2)(b) did not do. When called a fourth time, a female respondent stated that § 87(2)(b) was busy and advised that he be called back shortly. On the fifth call, § 87(2)(b) answered. He stated he was working with an attorney and would call back. § 87(2)(b) was immediately called back for further details. § 87(2)(b) stated that he was waiting for his criminal cases to close and that he wanted to speak to his attorney. He stated he would call back in two to three days, which he did not do. On the sixth call, § 87(2)(b) said that he had an appointment with his attorney the following week and would call back afterward. On the seventh call, § 87(2)(b) was contacted to provide him with a date by which the case would be closed if a verified statement was not obtained. The call was disengaged immediately after the investigator identified himself. § 87(2)(b) was immediately called back. The phone rang without a voicemail response.

Between December 11, 2018 and February 15, 2018, three letters were sent to § 87(2)(b) at the address he provided in his initial complaint. The letters were not returned by the United States Postal Service (USPS). A search of the Department of Motor Vehicles (DMV)

databases on December 20, 2017 confirmed the address provided by § 87(2)(b) in his initial complaint. The final letter reminded § 87(2)(b) that cases could not be left open indefinitely and explained CCRB policies regarding pending litigation.

On March 1, 2018, LexisNexis, CLEAR, and DMV database searches were conducted for § 87(2)(b) whom § 87(2)(b) alleged was a victim in the incident. Results yielded a telephone number and an address which was different from the one recorded in § 87(2)(b)'s arrest report. On the same day, the telephone number was called. A Spanish-speaking female responded. She was immediately called back via a translator. She refused to provide information about herself, but said she knew § 87(2)(b) and would provide him the telephone number of the CCRB.

On March 1, 2018, § 87(2)(b) called the CCRB. He stated he was at work and could not speak, but provided a telephone number and said he would call back, which he did not do. Between March 15, 2018 and March 29, 2018, the number provided by § 87(2)(b) was called three times. On the first call, a respondent named Anthony stated he did not know § 87(2)(b) and that he had been reached at his personal phone. On the second and third calls, voicemails were left.

Between March 29, 2018 and April 26, 2018, the telephone number for the unidentified female first contacted on March 1, 2018 was called five additional times via a translator. On the first call, the female respondent identified herself as § 87(2)(b) § 87(2)(b)'s mother, and said she would tell § 87(2)(b) to call back. She did not know a personal telephone number for § 87(2)(b). On the second call, § 87(2)(b) stated that she had given § 87(2)(b) the telephone number to call back. On the third attempt, the telephone rang without answer or a voice mailbox. § 87(2)(b) was immediately called back with the same result. The fourth call was terminated immediately after the translator stated that the caller was from the CCRB. § 87(2)(b) was immediately called back, at which time a busy signal was heard. On the fifth call, § 87(2)(b) answered and was told that § 87(2)(b)'s case would be closed on April 27, 2018 if he did not call back. § 87(2)(b) stated she would provide him with the phone number to call back, which he did not.

Three letters were sent to § 87(2)(b) at the address obtained from the LexisNexis and DMV searches and one letter was sent to the address provided in § 87(2)(b)'s arrest report between March 1, 2018 and March 27, 2018. Of the letters, only the one sent to the address in the arrest report was returned as undeliverable by USPS.

On March 1, 2018, LexisNexis, CLEAR, and DMV searches conducted for § 87(2)(b) whom § 87(2)(b) also alleged was a victim in the incident, did not provide additional contact information beyond the address already obtained from § 87(2)(b)'s arrest report. No phone number was obtained for § 87(2)(b). Between March 1, 2018 and March 29, 2018, three letters were sent to the address provided in § 87(2)(b)'s arrest report. The letters were not returned by USPS.

As of April 26, 2018, a search of the Complaint Tracking System (CTS) revealed no other complaints that involved § 87(2)(b).

On April 26, 2018, an online search of the New York City Department of Corrections Inmate Lookup Search revealed that neither § 87(2)(b) nor § 87(2)(b) were currently incarcerated.

On May 2, 2018, a query of the databases of the Office of Court Administration showed that § 87(2)(b) Cessay has a criminal case pertaining to this incident that remains open, with an upcoming court appearance scheduled for § 87(2)(b).

No video footage was obtained in the course of this investigation.

§ 87(2)(g)

Squad No.: 16

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date